

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

XL SPECIALTY INSURANCE COMPANY,

Interpleader-Plaintiff,

- against -

ALBERT HALLAC, JEFFREY HALLAC,  
KEITH WELLNER, WESTON FINANCIAL  
SERVICES LLC, WESTON CAPITAL  
MANAGEMENT LLC, WESTON CAPITAL  
ASSET MANAGEMENT LLC,

Interpleader-Defendants.

Case No. 17-cv-2867 (JSR)

**DECLARATION OF HOWARD J. KAPLAN IN  
SUPPORT OF PROPOSED INTERVENOR-DEFENDANT  
WIMBLEDON FINANCING MASTER FUND LTD.'S MOTION TO INTERVENE**

Howard J. Kaplan declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner of the law firm Kaplan Rice LLP, counsel for Wimbledon Financing Master Fund, Ltd. (In Official Liquidation) (“Wimbledon”), as Assignee of Weston Capital Partners Master Fund II, Ltd. (“Partners II”).
2. I submit this declaration in support of Wimbledon’s motion to intervene as a defendant in this interpleader action.
3. Attached as Exhibit 1 is a true and correct copy of Wimbledon’s Proposed Answer and Statement of Counter Claims and Cross Claims in the above-captioned action, submitted pursuant to Federal Rule of Civil Procedure 24(c).

4. Attached as Exhibit 2 is a true and correct copy of an Order of the Grand Court of the Cayman Islands, Financial Services Division, appointing Joint Official Liquidators to conduct a court-supervised liquidation of Wimbledon.

5. Attached as Exhibit 3 is a true and correct copy of an Assignment Agreement between Partners II and Wimbledon.

6. Attached as Exhibit 4 is a true and correct copy of a transcript of the Plea Allocution of Albert Hallac before Magistrate Judge Henry B. Pittman in *U.S. v. Hallac*, 15-cr-00512 (RMB) (S.D.N.Y. July 30 2015).

7. Attached as Exhibit 5 is a true and correct copy of pages 1092 and 1197-1205 of the transcript of trial proceedings before the Hon. P. Kevin Castel in *U.S. v. Hirst*, 15-cr-00643 (PKC) (S.D.N.Y. Sept. 21, 2016).

8. Attached as Exhibit 6 is a true and correct copy of the Indictment of Keith Wellner in *U.S. v. Wellner*, 16-cr-746 (PKC) (S.D.N.Y. Nov. 7, 2016).

9. Attached as Exhibit 7 is is a true and correct copy of Amended Complaint in *Wimbledon Financing Master Fund Ltd. v. Weston Capital Mgmt. LLC*, No. 653468-2015 (N.Y. Sup. April 22, 2016).

10. Attached as Exhibit 8 is a true and correct copy of the Decision and Order granting summary judgment in *Wimbledon Financing Master Fund Ltd. v. The Wimbledon Fund SPC on behalf of Class C Segregated Portfolio*, No. 652771-2016 (N.Y. Sup Dec. 22, 2016) (the “Class C Special Proceeding”).

11. Attached as Exhibit 9 is a true and correct copy of the Order severing attorney’s fees in the Class C Special Proceeding, dated May 5, 2017.

12. Attached as Exhibit 10 is a true and correct copy of an automatic email notification of the New York State Court's signing of judgment to the County Clerk in the Class C Special Proceeding, dated May 5, 2017.

13. Attached as Exhibit 11 is a true and correct copy of a letter sent to Michael B. Chester, counsel to XL Specialty Insurance Company, dated January 11, 2017.

14. Attached as Exhibit 12 is a true and correct copy of an Order granting Pangea Capital Management LLC leave to intervene in *XL Specialty Ins. Co. v. Lakian*, No. 14-cv-5225 (KMW), 2017 WL 1063451 (S.D.N.Y. Feb. 1, 2016) (Docket No. 122).

15. Attached as Exhibit 13 is a true and correct copy of Pangea Capital Management LLC's Answer in *XL v. Lakian* (Docket No. 126).

Dated: New York, New York  
May 9, 2017

/s/ Howard J. Kaplan  
Howard J. Kaplan